

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UMG RECORDINGS, INC., CAPITOL
RECORDS, LLC, CONCORD BICYCLE
ASSETS, LLC, CMGI RECORDED MUSIC
ASSETS LLC, SONY MUSIC
ENTERTAINMENT, and ARISTA MUSIC

Plaintiff(s),

vs.

INTERNET ARCHIVE, BREWSTER
KAHLE, KAHLE/AUSTIN FOUNDATION,
GEORGE BLOOD, and GEORGE BLOOD,
L.P.

Defendant(s).

Case No.: 3:23-cv-06522-MMC

**[Proposed] Order Denying Defendant
Kahle/Austin Foundation's Motion to
Dismiss**

Before the Court is Defendant Kahle/Austin Foundation's (the "Foundation") Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), ECF No. 78 (the "Motion"). The Motion requests that the claim asserted against it be dismissed without leave to amend for failure to state a claim. After consideration of the briefs and arguments of counsel and all other matters presented, the Court concludes that the Motion should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Foundation's Motion is **DENIED**.

IT IS FURTHER ORDERED that the Foundation must serve an Answer within fourteen days.

IT IS SO ORDERED.

Dated: _____

MAXINE M. CHESNEY
United States District Judge